IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.548 OF 2007

Shri.Prashant Bhalchandra Geete ..Applicant

Vs.

State of Maharashtra ..Respondents

...

Mr.Madhur Dalvi & Amol Potdar advocates for applicant
Mr.Rajesh More A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : MARCH 26, 2007

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking bail in C.R.No.14 of 2007 of Ambad Police Station. The said case is under Sections 420, 468 etc. of IPC.

3. It is the prosecution case that the present applicant has signed on the power of attorney as Santarabai. Witness Suresh Patil has stated to that effect. The learned advocate for the applicant has stated that the applicant has signed

on some papers only as a witness on account of his acquaintance with Dinesh and other accused who used to visit his shop for xerox and other business purpose. Thus, he has signed only as a witness in order to help his acquaintance i.e. co-accused. However, from the material on record, it is revealed that the applicant has signed as Santrabai Yadav and which is not the same as signing as witness.

4. It is the prosecution case that the co-accused Dinesh Sonu Nahire executed sale deed of suit property which is at Plot No.30 in Survey No.296/2/A/1 admeasuring 97 Are to another co-accused Mohan Krishnadas Desai. It is the case of the complainant that the land belonged to his mother Santrabai Yadav and the accused Dinesh Nahire executed sale deed of the said property in favour of co-accused posing himself to be the general power of attorney of Santrabai Yadav. It is the case of the complainant that no such power of attorney was given to Dinesh by Santrabai Yadav. It is material to note that stamp paper used for the execution of this document is not purchased by the vendor Smt.Santrabai Yadav but it appears to

have purchased by Dinesh in whose favour the documents are executed. Another material point is that photograph of Santrabai Yadav is part of the police record. Photograph on the power of attorney which is supposed to be that of Santrabai Yadav is not that of Santrabai Yadav but some other lady which shows that different lady has posed before the concerned authority as Santrabai Yadav.

5. It is to be noted that complainant and his mother are residents of Mumbai while co-accused are residents of Nasik and Dhule. The land is in Nasik. The mother of complainant being a widow and residing far away from the property, could not look after it constantly which has encouraged the accused persons to cheat her and grab her property. The investigation in the present case is still in progress. The material gathered till now by the prosecution, prima facie, points out the involvement of the applicant.

6. The learned advocate for the applicant submitted that in cases of similar nature, bail has been granted by the High Court. In support of his submission has relied upon two decisions of this

Court i.e. in the case of **Rameshchandra Dhulilal Sutar vs. State of Maharashtra; 2006 (9) LJSOFT (YRC) 30** and in the case of **Shravansingh Premsingh Rathod Vs. State of Maharashtra; 2006 (12) LJSOFT (YRC) 87.** I have perused both the decisions. In both those cases, the investigation was over. In the present case, investigation is yet not complete. Hence, I do not think that this is a fit case to grant bail at this stage. Application is rejected. However, liberty is granted to the applicant to prefer a fresh application for bail before the concerned Sessions Court after the charge sheet is filed.

7. It is made clear that trial Court shall not be influenced by the observations made in this order while deciding the bail application as well as while deciding the trial.

8. Application is disposed of.

[V.K.Tahilramani, J.]